
HOUSE BILL No. 1578

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-1-7-8.5; IC 36-3-2; IC 36-4; IC 36-8-8.7.

Synopsis: Firefighters in annexed or consolidated areas. Provides that a full-time, fully paid firefighter of a fire department or fire protection district: (1) within annexed territory; (2) incorporated into the Indianapolis fire special service district; (3) of a municipality that merges with another municipality; or (4) of a political subdivision that consolidates its fire services with the services of another political subdivision; becomes a full-time, fully paid firefighter of the annexing municipality, Indianapolis fire special service district, merged municipality, or the consolidated fire department at not less than the same salary and with equivalent health benefits and pension benefits. Requires that the firefighter receives full credit under the pension plan for prior service with the firefighter's former department.

Effective: July 1, 2005.

Bright, Walorski, Adams T, Ruppel

January 18, 2005, read first time and referred to Committee on Local Government.

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Introduced

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

HOUSE BILL No. 1578

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 36-1-7-8.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2005]: **Sec. 8.5. (a) This section applies to a political subdivision**
4 **that:**

5 (1) **enters into an interlocal agreement with at least one (1)**
6 **other political subdivision to consolidate the fire services of**
7 **the political subdivisions; and**

8 (2) **has a fire department that employs at least one (1)**
9 **full-time, fully paid firefighter.**

10 **(b) A firefighter described in subsection (a)(2) is entitled to:**

11 (1) **employment as a full-time, fully paid firefighter of the**
12 **consolidated fire department;**

13 (2) **receive not less than:**

14 (A) **the salary; and**

15 (B) **equivalent health benefits;**

16 **that the firefighter received from the political subdivision**
17 **before the effective date of the consolidation;**



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(3) retain all vacation, sick, and personal days accrued before the effective date of the consolidation; and

(4) an offer of retirement benefits under IC 36-8-8.7; as of the effective date of the consolidation.

(c) A political subdivision may not reduce or terminate the employment or benefits of a full-time, fully paid firefighter who is employed by the political subdivision before the effective date of the consolidation because of or to facilitate the consolidation.

(d) This section does not prohibit a fire department from taking disciplinary action for cause against a full-time, fully paid firefighter, including suspending or discharging the firefighter.

SECTION 2. IC 36-3-2-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3.5. (a) This section applies if:

(1) a fire special service district is expanded under section 3 of this chapter; and

(2) the additional territory of a unit that is incorporated into the fire special service district contains a fire department that has at least one (1) full-time, fully paid firefighter.

(b) A firefighter described in subsection (a)(2) is entitled to:

(1) employment as a full-time, fully paid firefighter of the fire department of the consolidated city;

(2) receive not less than:

(A) the salary; and

(B) equivalent health benefits;

that the firefighter received from the unit before the effective date of the expansion;

(3) retain all vacation, sick, and personal days accrued before the effective date of the expansion; and

(4) an offer of retirement benefits under IC 36-8-8.7;

as of the effective date of the expansion.

(c) The fire department of:

(1) the consolidated city; and

(2) the additional territory incorporated into the fire special service district;

may not reduce or terminate the employment or benefits of a full-time, fully paid firefighter who is employed before the effective date of the expansion because of or to facilitate the expansion.

(d) This section does not prohibit a fire department from taking disciplinary action for cause against a full-time, fully paid firefighter, including suspending or discharging the firefighter.

SECTION 3. IC 36-3-2-8.5 IS ADDED TO THE INDIANA CODE

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AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 8.5. (a) This section applies if:**

(1) a municipality annexes the territory of a unit that has a fire department or is part of a fire protection district; and

(2) the annexation will result in:

(A) the reduction or elimination of the fire department or fire protection district; and

(B) the reduction or termination of the employment of at least one (1) full-time, fully paid firefighter of the fire department or fire protection district.

(b) A firefighter described in subsection (a)(2)(B) is entitled to:

(1) employment as a full-time, fully paid firefighter by the fire department or fire protection district of the annexing municipality;

(2) receive not less than:

(A) the salary; and

(B) equivalent health benefits;

that the firefighter received from the unit before the effective date of the annexation;

(3) retain all vacation, sick, and personal days accrued before the effective date of the annexation; and

(4) an offer of retirement benefits under IC 36-8-8.7;

as of the effective date of the annexation.

(c) The fire department or fire protection district of:

(1) the annexing municipality; or

(2) the territory that is the subject of the annexation;

may not reduce or terminate the employment or benefits of a full-time, fully paid firefighter who is employed before the effective date of the annexation because of or to facilitate the annexation.

(d) This section does not prohibit a fire department or fire protection district from taking disciplinary action for cause against a full-time, fully paid firefighter, including suspending or discharging the firefighter.

SECTION 4. IC 36-4-2-18 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 18. (a) This section applies to a municipality that:**

(1) merges with another municipality; and

(2) has a fire department that employs at least one (1) full-time, fully paid firefighter.

(b) A firefighter described in subsection (a)(2) is entitled to:

(1) employment as a full-time, fully paid firefighter of the merged municipality;

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(2) receive not less than:

(A) the salary; and

(B) equivalent health benefits;

that the firefighter received from the other municipality before the effective date of the merger;

(3) retain all vacation, sick, and personal days accrued before the merger; and

(4) an offer of retirement benefits under IC 36-8-8.7; as of the effective date of the merger.

(c) A municipality may not reduce or terminate the employment or benefits of a full-time, fully paid firefighter who is employed before the effective date of the merger because of or to facilitate the merger.

(d) This section does not prohibit a fire department from taking disciplinary action for cause against a full-time, fully paid firefighter, including suspending or discharging the firefighter.

SECTION 5. IC 36-4-3-7.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7.5. (a) This section applies if:

(1) a municipality annexes the territory of a unit that has a fire department or is part of a fire protection district; and

(2) the annexation will result in:

(A) the reduction or elimination of the fire department or fire protection district; and

(B) the reduction or termination of the employment of at least one (1) full-time, fully paid firefighter of the fire department or fire protection district.

(b) A firefighter described in subsection (a)(2)(B) is entitled to:

(1) employment as a full-time, fully paid firefighter by the fire department or fire protection district of the annexing municipality;

(2) receive not less than:

(A) the same salary; and

(B) equivalent health benefits;

that the firefighter received from the unit before the effective date of the annexation;

(3) retain all vacation, sick, and personal days accrued before the effective date of the annexation; and

(4) an offer of retirement benefits under IC 36-8-8.7; as of the effective date of the annexation.

(c) The fire department or fire protection district of:

(1) the annexing municipality; or

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(2) the territory that is the subject of the annexation; may not reduce or terminate the employment or benefits of a full-time, fully paid firefighter who is employed before the effective date of the annexation because of or to facilitate the annexation.

(d) In the fiscal plan prepared by the annexing municipality under section 13 of this chapter, the municipality must address the municipality's employment of any full-time, fully paid firefighters of the territory proposed to be annexed.

(e) This section does not prohibit a municipality or unit from taking disciplinary action for cause against a full-time, fully paid firefighter, including suspending or discharging the firefighter.

SECTION 6. IC 36-8-8.7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

Chapter 8.7. Retirement Benefits for Firefighters in Annexed, Merged, Expanded, or Consolidated Areas

Sec. 1. This chapter applies to the following:

(1) A municipality that:

(A) annexes territory:

(i) under IC 36-4-3 and is subject to IC 36-4-3-7.5; or

(ii) under IC 36-3-2 and is subject to IC 36-3-2-8.5;

(B) merges with another municipality under IC 36-4-2 and is subject to IC 36-4-2-18; or

(C) wholly or partially consolidates its firefighting services with another political subdivision using an interlocal agreement prescribed by IC 36-1-7 and is subject to IC 36-1-7-8.5.

(2) A consolidated city that expands a fire special service district under IC 36-3-2-3.

(3) A township that wholly or partially consolidates its firefighting services with another township using an interlocal agreement prescribed by IC 36-1-7 and is subject to IC 36-1-7-8.5.

Sec. 2. As used in this chapter, "former department" refers to the fire department of which a firefighter was a member before the annexation, merger, expansion, or consolidation described in section 1 of this chapter. The term includes a fire protection district.

Sec. 3. The following apply to each full-time, fully paid firefighter who becomes a member of a municipality's or township's fire department as the result of an annexation, a merger, an expansion, or a consolidation:

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- 1 (1) The municipality or township shall offer the firefighter
2 participation in a pension plan that provides benefits at least
3 equal to the benefits of the pension plan offered by the
4 firefighter's former department.
5 (2) The pension plan offered to the firefighter must allow the
6 firefighter to receive, for purposes of qualifying for a benefit,
7 credit for prior service as a full-time, fully paid firefighter
8 with the firefighter's former department.
9 (3) The firefighter must receive the credit described in
10 subdivision (2) without being required to make an additional
11 contribution.
12 (4) The firefighter may not use the prior service credit
13 described in subdivision (2) to receive or to qualify to receive
14 a benefit from more than one (1) pension plan.

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